

**FILED**

Dec 16 2022

Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PETER GAKUBA,  
Petitioner,

v.

CALIFORNIA ATTORNEY GENERAL  
Respondent.

Case No. 22-cv-07698 NC (PR)

**ORDER OF TRANSFER**

In this habeas action, petitioner is challenging a conviction he suffered in Rockford, Illinois. *See* Dkt. No. 4 at 1-7 (stating this is petitioner's second federal habeas petition challenging a conviction issued in Illinois state court), 7-126 (raising arguments which attack the Illinois conviction, rather than any conditions in California).

Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). However, petitions challenging a conviction or sentence are preferably heard in the district of conviction. *See* Habeas L.R. 2254-3(b)(1); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, because petitioner challenges a conviction from Winnebago County, Illinois, the Northern District of Illinois is the district of conviction. *See* 28 U.S.C. § 93(a) (enumerating Illinois's federal districts).

1 Accordingly, this case is **TRANSFERRED** to the United States District Court for  
2 the Northern District of Illinois. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all  
3 pending motions and transfer the entire file to the Central District of California.  
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6 **IT IS SO ORDERED.**

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8 DATED: December 16, 2022



NATHANAEL M. COUSINS  
United States Magistrate Judge

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United States District Court  
Northern District of California